



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,749	04/11/2001	William McFarland	073169 0269527	2909

7590 07/27/2005

PILLSBURY WINTHROP
1600 TYSONS BOULEVARD
INTELLECTUAL PROPERTY DEPARTMENT
MCLEAN, VA 22102

EXAMINER

WANG, TED M

ART UNIT	PAPER NUMBER
----------	--------------

2634

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,749

Applicant(s)

MCFARLAND ET AL.

Examiner

Ted M. Wang

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-22, 24-42, 44-84 and 86-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 15-22, 24-42, 44-79, 84 and 86-89 is/are allowed.
- 6) ☒ Claim(s) 80-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed on 06/06/2005, with respect to the rejection(s) of claim(s) 1-12, 15-22, 24-42, 44-84, and 86-89 under 35 USC § 102(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.
2. The indicated allowability of claims 80-83 are withdrawn in view of the newly discovered reference(s) to US 6,392,570. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 80-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Bucht (US 6,392,570).
 - With regard claim 80, Bucht discloses a method of decoding a portion of one symbol comprising the steps of: locating the one symbol (Fig.2 element [0..5]); decoding the portion of the one symbol such that the decoding of the portion takes place within a first time period (Fig.2 elements 31-35 and column 6 line 1 –

column 8 line 62); and decoding the entire symbol such that the decoding of the entire one symbol takes longer than the first time period (Fig.2 elements 36 and 37 and column 8 line 63 – column 11 line 31). It is inherent that the time period for decoding portion of the symbol is shorter than that of decoding entire symbol.

- With regard claim 81, Bucht further discloses wherein the entire symbol is the same symbol as the one symbol (Fig.2 elements 41 and 42 and column 6 lines 1-32).
- With regard claim 82, Bucht further discloses wherein the entire symbol is different than the one symbol (Fig.2 elements 36, 42, and elements 31,32, 33 output, elements 37, 42, and element 35 output).
- With regard claim 83, Bucht further discloses wherein the entire symbol and the one symbol are modulated with the same modulation type (Fig.2 elements 41, 42, and column 6 lines 20-31). Since the entire encoded word comprises bits [0...9], each of portion of the entire encoded word ([0..5] and [6..9]) is inherent to be the same modulated type as that of entire encoded word [0...9].

Allowable Subject Matter

5. Claims 1-12, 15-22, 24-42, 44-79, 84, and 86-89 are allowed.

Conclusion

6. Reference(s) US 2002/009450, US 6,549,561, and 5,812,523 are cited because they are put pertinent to the OFDM receiver. However, none of references teach detailed connection as recited in claim.

Art Unit: 2634

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted M Wang
Examiner
Art Unit 2634

Ted M. Wang


SHUWANG LIU
PRIMARY EXAMINER